



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE
3040 Biddle Road
Medford, Oregon 97504
email address: or110mb@or.blm.gov

IN REPLY REFER TO

I792 (116)
Timber Products Road
Right-of-Way Grant
A6541(WHY:jl)

Dear Interested Public:

The *Environmental Assessment* (EA) for Timber Products Road Right-of-Way Grant is being advertised in the Medford Mail Tribune for a 15 day public review period. The proposed action, in response to an application (No. OR 55 114-FD) we received from Timber Products Company, would grant a right-of-way across public lands located in the E1/2 NE 1/4, Sec. 13, T. 40 S., R. 2 E., Willamette Meridian (W. M.).

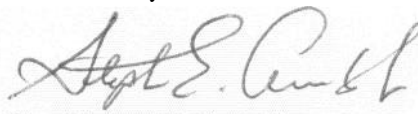
The primary purpose of a public review is to provide the public with an opportunity to comment on the Bureau of Land Management's (BLM) determination that there are no significant impacts associated with the proposed action and, therefore, an environmental impact statement is not necessary.

This EA is published on the Medford District web site, www.or.blm.gov/Medford/, under "Planning Documents."

We welcome your comments on the content of the EA. We are particularly interested in comments that address one or more of the following: (1) new information that would affect the analysis, (2) possible improvements in the analysis; and (3) suggestions for improving or clarifying the proposed management direction. Specific comments are the most useful. Comments, including names and addresses, will be available for public review. Individual respondents may request confidentiality. If you wish to withhold your name and/or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

All comments should be made in writing and mailed to Bill Yocum, Ashland Resource Area, 3040 Biddle Road, Medford, OR 97504. Any questions should be directed to Bill Yocum or Angie Morris at (541)618-2384.

Sincerely,


Richard J. Drehabl
Field Manager
Ashland Resource Area

Enclosure (as stated)

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT
ASHLAND RESOURCE AREA

ENVIRONMENTAL ASSESSMENT

EA #01-017

FOR

TIMBER PRODUCTS ROAD

RIGHT-OF-WAY GRANT OR 55114-FD

This Environmental Assessment (EA) for the proposed right-of-way grant was prepared utilizing a systematic interdisciplinary approach integrating the natural and social sciences and the environmental design arts with planning and decision making.

Richard J. Drehabl
Ashland Field Manager

Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ASHLAND RESOURCE AREA

EA COVER SHEET

Project Name/Number: Timber Products Right-of-Way Grant, OR 55114-FD, EA #01-017

Location: T. 40 S., R. 2 E., Section 13, Willamette Meridian

Preparer/Lead: Joe Hoppe

Preparers/Reviewers	Resource Values
<u>John Samuelson</u>	<u>Engineering, Roads</u>
<u>Jeannine Rossa</u>	<u>Wetlands,</u>
	<u>Water, and Fisheries</u>
	<u>Wild life,</u>
<u>George Arnold</u>	<u>T & E Animals</u>
	<u>Recreation,</u>
<u>Fred Tomlins</u>	<u>Cultural, and VRM</u>
<u>Brad Tong</u>	<u>T & E Plants</u>
	<u>Realty and</u>
<u>Joe Hoppe</u>	<u>Rights-of- Way</u>

Format/Adequacy Angie Morris

I. INTRODUCTION

A. Need for Proposal

The Bureau of Land Management has received an application (No. OR 55114-FD) from Timber Products Company for a right-of-way across public lands located in the E1/2 NE1/4, Sec. 13, T. 40 S., R. 2 E., Willamette Meridian (W. M.).

B. Conformance with Land Use Plans

The proposed action is in conformance with and tiered to the *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (USDI, USDA 2001) and the *Medford District Record of Decision and Resource Management Plan* (RMP) (USDI 1995b). These Resource Management Plans incorporate the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl* (NWFP) (USDA and USDI 1994). These documents are available at the Medford BLM office and the Medford BLM web site at <http://www.or.blm.gov/Medford/>.

C. Relationship to Statutes, Regulations, and Other Plans

The proposed action and alternatives are in conformance with direction given for the management of public lands in the Medford District by the Federal Land Policy and Management Act of 1976 (FLPMA) and the Oregon and California Lands Act of 1937 (O & C Act).

D. Decisions to be Made on this Analysis

The EA is being prepared to determine if the proposed action and any of the alternatives would have a significant effect on the human environment thus requiring the preparation of an Environmental Impact Statement (EIS) as prescribed in the National Environmental Policy Act of 1969. It is also being used to inform interested parties of the anticipated impacts and provide them with an opportunity to comment on the various alternatives.

The Ashland Resource Area Field Manager must decide:

- Whether or not the impacts of the proposed action are significant to the human environment beyond those impacts addressed in previous NEPA documents. If the impacts are determined to be insignificant, then a Finding of No Significant Impact (FONSI) can be issued and a decision can be implemented. If any impacts are determined to be significant to the human environment, then an Environmental Impact Statement must be prepared before the Manager makes a decision.
- Whether to implement the Proposed Action alternative or defer to the No Action alternative.

II. ALTERNATIVES

This chapter describes the action alternative developed by the ID Team. In addition, a "No Action" alternative is presented to form a base line for analysis. This chapter also outlines specific project mitigation features that are an essential part of the project design for the alternatives. The proposed action alternative includes project design features (PDFs). The PDFs are included for the purpose of mitigating, reducing, or eliminating anticipated adverse environmental impacts. Analysis supporting the inclusion of PDFs can be found in the appendices of this EA, and Appendix D of the RMP Best

Management Practices.

A. Proposed Action

Timber Products has applied for a right-of-way grant to operate and maintain a right-of-way for a segment of an existing BLM road across public land. This right-of-way is to serve as legal access to their private land in the adjoining section to the east. The proposed action is located in the E1/2 NE1/4, of section 13, T. 40 S., R. 2 E., W. M. The right-of-way across BLM land would provide legal access to Timber Products holdings located in Section 18, T. 40 S., R. 3 E., W. M.

In exchange for a right-of-way grant from BLM, Timber Products would grant a perpetual non-exclusive easement to the United States of America. This would provide BLM with legal access across Timber Products land in Section 18. BLM is seeking reciprocal rights from Timber Products in order to gain legal access to nearby public lands which are also in Section 18. It is BLM policy to seek reciprocal rights from a right-of-way applicant who controls access to public land in the same vicinity. The attached maps shows the routes for the proposed right-of-way and easement.

The following mitigations are specified to help alleviate environmental impacts:

- 1) No hauling or road maintenance work (cleaning of ditches, catch basins, culverts, and drainage dips) before May 15th or after October 15th without permission from the BLM Authorized Officer. Discontinue hauling and/or maintenance work when rainstorms create water flow over road surfaces and ditches.
- 2) Require road maintenance during periods of road use and after commercial haul activity. All road maintenance work shall meet minimum BLM standards.
- 3) Drainage from the road should not route water into any streams, wet draws, or dry draws. Instead, drainage should route water off of the road into vegetated areas that will disperse or absorb the water.

B. No Action Alternative

The no action alternative would be to deny Timber Products a right-of-way and not allow them legal access to their land in Section 18. Under this alternative, BLM would then also be denied access to the nearby public lands for which we have no legal access at this time. Under the No Action alternative, Timber Products would have only "casual use" access to their lands which does not give them the legal access they are seeking.

Because the existing road on BLM land and the connecting stretches on private are all natural surface roads, the potential for sediment to impact cutthroat trout was found to be "more than negligible," as analyzed previously under the Fisheries Section for the O&C Permit action, OR 54556. This action would adopt in whole, the Mitigation Measures from that document as stated below:

III. Affected Environment and Environmental Impacts

The project area is located in the Baldy Creek drainage. Baldy Creek is a tributary of Emigrant Creek which flows into Emigrant Reservoir, and eventually into Bear Creek, a fifth field watershed. Elevation in the project area is roughly 3,100 feet. Precipitation in the area averages approximately 34 inches per year. The project area is in an area generally characterized by mixed conifer forest stands on north and east facing slopes plus other mesic sites (e.g., riparian influence zones), and oak-woodland or

sclerophyllous shrubland on south and west facing slopes plus other xeric sites (e.g. ridgetops).

A. Soils

Soils on the BLM land as indicated by a SCS soil survey are classified as McNall-McMullin.

B. Cultural Resources/ Threatened and Endangered Plants

Surveys for cultural resources and threatened or endangered plants were completed at the time when the roads were first constructed in the proposed right-of-way location. These reports are available for review in the Medford District Office.

No portion of the project area or the adjoining lands qualify for consideration as wilderness resource under the criteria established by Section 2(c) of the Wilderness Act.

C. Terrestrial Wildlife

General

There would be no direct effects to wildlife from issuing the right-of-way grant. The interdependent effects associated with issuing the grant, however, would be the harvest of approximately 33 acres of timber in the short-term, and additional forest related work in the long-term, including timber harvest. The applicant indicated that future timber harvest could occur on approximately a 20 year cycle on their land. Timber harvest would be in conformance with Oregon Forest Practices Act requirements. Refer to Chapter 4 of the BLM Medford District Resource Management Plan (RMP) for a discussion of the effects of timber management on wildlife and wildlife habitat.

Threatened/Endangered Species

A 33 acre tract of timber is scheduled to be harvested by the applicant after the grant is issued. This tract is known to provide roosting/foraging habitat for northern spotted owls. Researchers for National Council of the Paper Industry for Air and Stream Improvement (NCASI) documented use of this area by radio telemetry, i.e., radio-marked owls were located in the tract. Harvest of this timber would result in a "likely to adversely affect" determination for the federally listed (threatened) northern spotted owl; therefore, formal consultation with the U.S. Fish and Wildlife Service (Service) was initiated and their report is available for review at the Medford District Office. Mandatory terms and conditions issued by the Service in the Biological Opinion (BO) for this action are to be implemented by the applicant and BLM as identified below:

- 1) Timber Products Company shall report to the Fish and Wildlife Service the amount of acres treated during each entry, the average DBH of each treated stand (if known) and the resulting canopy closure of each treated stand.
- 2) The BLM must attach a copy of the BO to the right-of-way grant issued to Timber Products Company.

D. Plants

Surveys for Bureau Special Status and Northwest Forest Plan species were conducted according to approved BLM protocol. No Bureau Special Status or Northwest Forest Plan species were located.

E. Engineering

The existing road (40-2E-13, Seg. B) crossing BLM land was originally built under an O&C permit by J. H. Baxter & Company in the early 1960's. The road is approximately 1740 feet in length, and 22 feet wide including ditches. It is a natural surface road with a maximum grade of 12%. The road was recently brushed and the drainage improved with water dips.

F. Fisheries

All log hauling to be done on the BLM right-of-way is within the Baldy Creek drainage. Since Baldy Creek is upstream of Emigrant Creek Dam and Reservoir, there are no anadromous fish species in this stream. However, there is a population of native cutthroat (*Oncorhynchus clarki*) in Baldy Creek. According to BLM records for Baldy Creek, cutthroat are found from the mouth of the stream through the private land in Section 18.

G. No Action Alternative

The no action alternative would mean the applicant would not have legal access to their private property using the most reasonable route available to them. The no action alternative would also preclude the BLM from acquiring legal access to approximately 320 acres of public land in the Baldy Creek drainage. Without legal access, our management options are severely limited.

IV. LIST OF AGENCIES AND PERSONS CONSULTED

Oregon State Historic Preservation Officer

A. Consultation

1. National Marine Fisheries Service
2. US Fish and Wildlife Service

B. Public Participation

1. Publicity

Public notice of the availability of this EA was provided through advertisement in the Medford Mail Tribune and the BLM Medford District's central registration and recording system.

2. Notification: A copy of the EA was mailed to the following organizations:

- Applegate River Watershed Council
- Association of O&C Counties
- Audubon Society
- Friends of the Greensprings
- Headwaters
- Klamath Siskiyou Wildlands Center
- Oregon Department of Fish and Wildlife
- Oregon Department of Forestry
- Oregon Natural Resource Council
- The Confederated Tribes
- The Pacific Rivers Council
- Timber Products

C. Availability

A copy of this EA is available upon request from the Ashland Resource Area, Bureau of Land Management, 3040 Biddle Rd., Medford, OR 97540, (541) 618-2200. The EA has also been placed in the public EA register at the Bureau of Land Management office (above address) and a copy sent to the Southern Oregon University Library.

EA # OR 01-017

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

for

Timber Products Right-of-Way Grant OR 55114-FD

Interdisciplinary Team members of the Ashland Resource Area of the Medford District of the Bureau of Land Management have analyzed a request from Timber Products for Right-of-Way No. OR 55114-FD.

The proposed action and alternative are described in the attached EA report.

The proposed right-of-way would be located in Section 13, T. 40 S., R. 2 E., Willamette Meridian. The public notice of the availability of this FONSI and Decision Record is provided through the BLM, Medford District's central registration and recording system.

There are no floodplains, wetlands, wild and scenic rivers, known hazardous waste areas, areas of religious concern, prime nor unique farmlands within the right-of-way area. The right-of-way area does not qualify for potential wilderness designation. No adverse or beneficial impacts are anticipated to fisheries, lands, or minerals. Threatened or endangered wildlife species are known to be present in the proposed project area. However, the BO from the Fish and Wildlife Service clears the way for approving the action based on their review and conclusions concerning the two effected species. Should any additional threatened or endangered plants, cultural, or paleontological resources be discovered, they would be protected.

The estimation of impacts was based on research, professional judgement and experience of the ID team and the Fish and Wildlife Service. This method of estimating effects on the environment reduces the uncertainties to a level which does not involve highly unknown or unique risks.

FONSI DETERMINATION

I have reviewed EA #01-017, including the explanation and resolution of any potentially significant environmental impacts not previously identified. I have determined that the action described above will not have any significant impacts on the human environment beyond those already fully described in the Medford District Resource Management Plan and Final Supplemental Environmental Impact Statement and that a supplemental EIS is not required.

Richard J. Drehabl
Ashland Field Manager

Date

Decision Record
EA # 01-017
Timber Products Road Authorization
Right-of-Way Grant, OR 55114-FD

Decision Record & Rationale

The decision is to implement the Proposed Action alternative as described in the Environmental Assessment #01-017 for the Timber Products Right-of-Way Grant, OR 55114-FD. This alternative is to authorize the right-of-way grant. The proposed right-of-way is located in E1/2 NE1/4, of section 13, T.40 S., R. 2 E., W. M. The existing BLM road would serve to connect with the existing roads on Timber Products land in Section 18. The right-of-way authorization would provide Timber Products with legal access to their property in this section.

In exchange for the right-of-way from BLM, Timber Products is prepared to grant a perpetual non-exclusive easement to the United States of America for BLM access across their private land in the SW1/4 NW1/4, SW1/4, and SW1/4 SE1/4, (T.L. 6200) of Section 18, T. 40 S., R. 3 E., Willamette Meridian.

I have reviewed the EA and have determined that the action will not have any significant impacts on the human environment. An EIS is not required. I have also determined that the proposed project is in conformance with approved land use plans.

Richard J. Drehobl
Ashland Field Manager

Date